

Attorney Docket No. 56247 (71699)

APP 3738 #11
Not timely
w/ notice of Appeal
S. Bruce
12/8/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: E. de Juan, et al.

U.S.S.N.: 09/904,201

Art Unit: 3738

FILED: July 11, 2001

Examiner: D. Demille

FOR: INJECTABLE BAG INTROCORAL LENS SYSTEM, INSERTING DEVICE FOR USE THEREWITH, METHOD FOR INSERING AN INJECTABLE BAG INTRAOCULAR LENS WITHINA HUMAN EYE, METHODS FOR TREATING APHAKIA AND SYSTEMS KITS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Regina M. Edwards

Signature

Regina M. Edwards

(type or print name of person certifying)

Date: November 24, 2003

12/02/2003 SDENBOB1 00000013 09904201

01 FC:2401 165.00 OP
02 FC:2252 210.00 OP

(Notice of Appeal from the Primary Examiner to Board—page 1 of 3)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 23 2003, finally rejecting claims 1-20.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

[] other than a small entity.
[X] a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

[X] small entity \$165.00
[] other than a small entity \$330.00

Notice of Appeal fee due **\$165.00**.

3. EXTENSION OF TERM

NOTE: *The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

(a) [X] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
[] one month	\$110.00	\$55.00
[X] two months	\$420.00	\$210.00
[] three months	\$950.00	\$475.00
[] four months	\$1,480.00	\$740.00

Fee \$ 210.00

If an additional extension of time is required, please consider this a petition therefor.
(check and complete the next item, if applicable)

(a) [] An extension for one month has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 210.00.

(b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ 165.00
Extension fee (if any)	\$ 210.00

TOTAL FEE DUE \$ \$ 375.00

5. FEE PAYMENT

[X] Attached is a check in the sum of \$ 375.00
[] Charge Account No. _____ the sum of \$ _____.

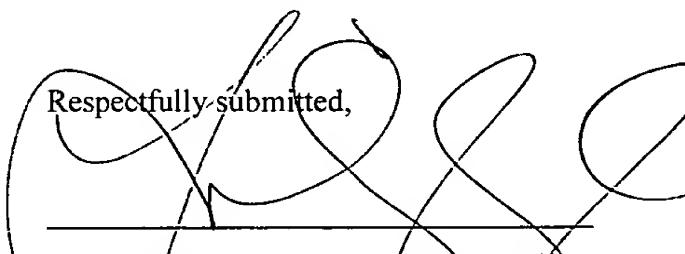
6. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

[X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted,

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